

**JANUARY 25, 2008**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION****08 C 568**

WILLIAM LAWLOR,	)	
	)	
Plaintiff,	)	
	)	No.
vs.	)	
	)	
BEMA POLYTECH, INC.	)	JURY TRIAL
	)	
Defendant.	)	

**JUDGE LEINENWEBER  
MAGISTRATE JUDGE COLE****COMPLAINT  
AGE DISCRIMINATION IN VIOLATION TO THE ADEA**

NOW COMES the Plaintiff, WILLIAM LAWLOR ("Plaintiff"), by and through his attorney, MICHAEL T. SMITH & ASSOCIATES, and in complaining of the Defendant, BEMA POLYTECH, INC. ("Defendant"), and states as follows:

**JURISDICTION AND VENUE**

1. Plaintiff brings this action for benefits under the Age Discrimination in Employment Act of 1967 (hereinafter sometimes referred to as the ADEA), 29 U.S.C. § 621-634, under the specific provisions of the Age Discrimination in Employment Act, viz. 29 U.S.C. § 626(c).

2. Jurisdiction of this action is conferred upon the Court by Section 7(b) of the Age Discrimination in Employment Act, (29 U.S.C. § 626 (b)) and Venue 28 U.S.C. § 1331.

3. The employment practices hereafter alleged to be unlawful were and are now being committed in the Northern District of Illinois, Eastern Division.

**PARTIES**

4. Plaintiff is an adult person and a resident of Cook County, State of Illinois.

6. Plaintiff was an employee of Bema Polytech, Inc., from March 1, 2007 until his wrongful termination September 14, 2007.

6. WALGREENS is an employer within the meaning of the Civil Rights Act and 42 U.S.C. 2000(e) et seq., and has been at all times material to the allegations herein.

### STATEMENT OF FACTS

7. Plaintiff was a Purchasing Manager and was responsible for purchasing for the Defendant.

8. At all times relevant, Defendant, has been and is now an Illinois organized corporation, and has continuously had and now have at least 100 hundred (100) or more employees.

9. Plaintiff was born on January 28, 1945, and falls within the group protected by the ADEA.

10. At all times material herein and hereinafter mentioned Defendant Corporation has engaged in and employed its employees in commerce and in the production of goods for commerce between points in several states. The Defendant was, and is, and has been, at all times material herein, engaged in commerce within the meaning of the ADEA.

11. Defendant Corporation is an employer within the meaning of the ADEA.

12. Plaintiff was an employee of the Defendant Corporation for approximately 6 1/2 months covering the period from March 1, 2007, until the plaintiff was terminated in violation of the ADEA on September 14, 2007, to-wit: Plaintiff didn't "fit in."

13. On or about March 1, 2007, and continuously thereafter, while meeting the minimum standards of his employer, the defendant willfully discriminated against

plaintiff because of his age. Plaintiff reached 63 years of age before September 14, 2007.

14. As a result of Defendant's actions, the Plaintiff has been deprived of his wages and employment benefits.

15. In addition, the Plaintiff seeks to be reinstated, but if he is not reinstated, he will continue to be deprived of wages and employment benefits in the future. The Plaintiff is therefore entitled to an award of front pay if reinstatement is not possible.

16. The Defendant's conduct was at all times willful and wanton entitling the Plaintiff to liquidated damages.

#### **PROCEDURAL FACTS**

17. Plaintiff protested his unlawful termination and on October 17, 2007, filed charges of the discrimination herein alleged with the Equal Employment Opportunity Commission at Chicago (EEOC), Illinois. A true and correct copy of the Charge of Discrimination is attached hereto as Exhibit "A" and incorporated herein. Efforts by that agency to obtain voluntary compliance by the Defendant with the Age Discrimination in Employment Act have been unsuccessful thereby causing the EEOC to issue a Notice of Right to Sue letter. A true and correct copy of the Notice of Right to Sue is attached hereto as Exhibit "B" and incorporated herein.

18. This action has been timely filed within ninety (90) days of the receipt of the Notice of Right to Sue

#### **PRAYER FOR RELIEF**

WHEREFORE, the plaintiff prays that the court order such relief as is necessary to make the plaintiff whole, including:

1. Reinstatement or, alternatively, front pay;

2. Damages, including loss of pay and benefits;
3. Statutory liquidated damages due to the defendant's willful conduct;
4. Attorneys' fees and costs incurred in this action
5. Such other relief as is just and equitable.
6. The plaintiff requests a jury trial of this action.

Dated: 1/25/08

WILLIAM LAWLOR

BY:   
Michael T. Smith  
Trial Attorney

Michael T. Smith  
440 W. Irving Park Road  
Roselle, IL 60172  
(847) 895-0626  
Attorney Number #6180407IL

EEOC Form EEE-B (3/2006)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: William Lawlor  
7920 Shenwood Circle  
Hanover Park, IL 60133

From: Chicago District Office  
600 West Madison St  
Suite 2800  
Chicago, IL 60661

CERTIFIED MAIL 7009 3400 0014 4054 5038



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2008-00371

Jerry Zhang,  
Investigator

(312) 353-7522

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

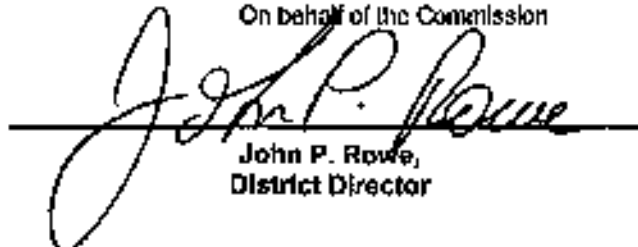


The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

  
John P. Rowe,  
District Director

12/5/07  
(Date Mailed)

Enclosures(s)

cc: BEMA POLYTECH, INC

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA  
☒ EEOC

440-2008-00371

**Illinois Department of Human Rights**

and EEOC

State or local Agency, if any

Name (Mr./Mrs./Ms./Mr.)

Mr. William Lawlor

Home Phone (incl. Area Code)

(630) 830-3844

Date of Birth

01-28-1945

Street Address

City, State and ZIP Code

7920 Sherwood Circle North, Hanover Park, IL 60133

Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

BEMA POLYTECH, INC

No. Employees, Members

15 - 100

Phone No. (include Area Code)

(630) 278-7800

Street Address

City, State and ZIP Code

744 N Oaklawn Ave, Elmhurst, IL 60126

Name

No. Employees, Members

Phone No. (include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☐ RETALIATION ☒ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Initial

Initial

09-14-2007

09-14-2007

☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I was hired by Respondent on or about March 1, 2007. My most recent position was Purchasing Manager. On or about September 14, 2007, I was discharged.

I believe I have been discriminated against because of my age, 63 (DOB: 1/28/45). In violation of the Age Discrimination in Employment Act of 1967, as amended.

RECEIVED EEOC

OCT 17 2007

CHICAGO DISTRICT OFC

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Agency Requirements)

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.  
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Oct 17, 2007

Date

Charging Party Signature